App. F. IX-4

1935. (Law)

File No. 171-35

Previous References
CS-76-23-1-13
I.W 32-30 (1-8)

Serial Nos. 1-2

Later References
I.W 54-36 . . (1-14)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for March 1936

SUBJECT.

Proposal to empower the Municipal Electrical Engineer to file civil suits for recovery of dues to the Electrical Undertaking

Sl: 2

To The Town Clerk, Nairobi, Mombasa & Nakuru.
" Municipal Electrical Engineer
" Asst. Elect. Engineer
" Commissioner
" Govt. Advocate
" Registrar High Court

NOP 6275-82-07 19-3-36

Subject:- Arrears due from M/s Ngwe Sanjeeviah Chetty
power charges of A.P. 312 + A 990-

2007.735

D.No.276. File No. of 193 ELECTRICAL SECRETARIAT.

Serial No. 1/A

request of the Electrical Department after examining details

3) The b.E.Es proposals require the sanction of Govt

for
22-10-35

22-10-35

4) Agts - may be appd.

Submitted
I Member
Chief
Genl Secy (Law)

22/10/35

1. may be approved
2. may be observed to orders later

Chief
24/10
25

Chief
29/10

Submitted
I Member

5/11
4/11

5) Agree

5-11-35

15/11/35

GENERAL BRANCH
25 OCT. 1935
534

2870

Issued in MBEDS 1108-09 d 26-11-1935.

WD 087—GPB—2,000—5-9-34

No. 274

D/24/10/35

(1

ELECTRICAL SECRETARIAT. File No. of 193

Serial No.

Subject. Arrears due from Mr. Nidigunta Sanjeevaiah towards power charges of AP 312 and A 990

Reference Chief Electrical Engineers MJ letter No 2073 dated the 16th August 1935 -

(1) The C.E.E. brings to notice that a sum of Rs 46-13-0 is due from Mr. Nidigunta Sanjeevaiah towards power charges of AP 312 and A 990 and that he is evading payment of the amount. The Electrical Dept propose to file a suit against him for recovery of the said amount and a copy of report under para 78 of the "Rules for the Conduct of the Legal Affairs of Govt" has also been submitted. The C.E.E. requests sanction of Govt for filing the suit.

A

(2) The C.E.E. further requests in this connection that general sanction may be accorded empowering the Public Prosecutor to take up such cases at

B

the

3166 p.135

No. E.D.S. 1108
Encls.

(3)

ELECTRICAL SECRETARIAT,

Dated Bangalore, 26th November 1935.

FROM

Diwan Bahadur
N. N. AYYANGAR, Esq., B.A., L.C.E., M.I.E. (Ind.), I.S.E.,
Secretary to the Government of Mysore,
Electrical Department,
Bangalore.

To

The Chief Electrical Engineer
to the Government of Mysore,
Bangalore.

Sir, Subject:- Arrears due from Mr. Niligiri Sanjeeviah towards power charges of A.P.312 and A.990.

With reference to your letter No.2073 dated the 16th August 1935 on the above subject, I am directed to convey the approval of Government, under the circumstances reported, to a suit being filed against Mr. Niligiri Sanjeeviah for recovery of the sum of Rs.46-13-0 being the arrears of power charges due from him to the Electrical Department on account of the above installations.

2. As regards the general sanction applied for empowering the Public Prosecutor to take up such cases at the request of the ---- Electrical Department, I am to state that orders may be awaited.

I have the honour to be,
Sir,
Your most obedient servant,

ELECTRICAL SECRETARIAT
BANGALORE.
Reg. No. 918
Date 29/11/35

Sd. N. N. Ayyangar,

Secretary to Government,
Electrical Department.

A.N.

No. EDS. 1109 Dated Bangalore, 26th November 1935.

Copy of the above, is forwarded, with compliments to the Secretary to Government, General Department, for information.

Batni Bhima Rao 25.11.35
For Secretary to Government,
Electrical Department.

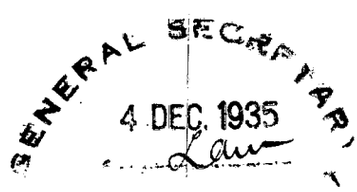
1) Subd for perusal.
Connected file would be called for for ref^ce and return.
A.N. 29/11

2) Fo. 3) El^l Sect^t v.c. } to kindly furnish us the Connected file for ref^ce and return

Cos. 1163 Civil File
4.12.35

The Concerned file is herewith put up
It may kindly be returned when done with
2. Action has to be taken on B in the note

Gen Sectt
W.C.



2/12/35

Law
Sorp
4/12

9) Subd. for perusal and reference to para 10 below
As re: point 5 in the notes sheet, there seems no necessity to give a general sanction as suggested. The Ch-Secy may take necessary action under rule 79 of the rules for the legal affairs of Govt. His attention may perhaps be invited to this rule.

SD.
5/12

10) Under the Legal affairs Rules, Sanction of Govt is necessary before a suit is filed on behalf of Govt by any Department. In cases of urgent necessity, rule 79 of the Rules gives power to the officer concerned to file the suit in anticipation of Sanction. It is only in such urgent cases that the PPs may perhaps act on the orders of the Head of the Deptt even though no Sanction of Govt is given. I do not think it is necessary or desirable to change the rules in this respect and give the generale permission asked for by E to file suits for recovery of dues to the Govt: Deptt.

Serial No.

without obtaining sanction of govt in every particular case. It is I think necessary that every case is carefully examined in the Law Dept before it is taken to a Court of law.

(Govt Secy) MP 7.12.35

11) I shall be glad if Govt Secy will please speak about this matter to me some time

Govt 9.12.35

12) Discussed the matter with the Secy. The Electrical Dept being a commercial Dept having dealings with a large number of consumers may be authorised to file suits for recovery of moneys due to them for power or goods supplied, without obtaining the previous sanction of govt under the Legal Affairs Rules, but subject to the following restrictions:—

1) The suits are of a small cause nature, ~~and~~ of value not ~~exceeding~~ exceeding Rs 300/-.

~~2) the fact of the case shall~~

GENERAL SECRETARIAT 7 DEC. 1935 276

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

2) Before action is taken to file the suit, the P.P.x should satisfy himself that there is a good case and in cases of difference between the P.P.x and the Dept, the matter has to be referred to Govt in the Law Dept.

3) No suit should be filed unless there are reasonable prospects of recovering the amounts from the defendant, in case a decree is obtained.

4) In cases in which the services of any lawyer other than the P.P.x is to be engaged, the matter has to be referred to Govt in the Law Dept.

5) A half yearly statement showing the suits filed, and their progress must be sent by the C.E.E.

13) If the above proposal is approved, an order will have to be issued under order 27 rule 1 C.P. Code appointing the C.E.Exp^r to sign & verify plaints on behalf of Govt in such suits.

(you see)

13.12.35

14) Please consult Secy Legislative Dept. if the in suit

Dec 14/12

GENERAL SECRETARIAT
13 DEC. 1935
536

General and Revenue Secretariat | File No. 3106 of 1935 | [App. F. III—2

Serial No.

15) Forwarded with compliments to the Secy to Govt, Electrical Dept for favour of remarks.

Myso[illegible]
for Secy 14.12.35

Regr. No. 9.646
Date 24/12
GOVERNMENT OF MYSORE.

E.D.S. 1371.
26.12.35

16) Submitted for the remarks.

2. The suggestions seem suitable

C/H
C.E.S.
24/12

23/12/35

L.O.No-8141. dt 8.1.36
one file

17) Returned, with compliments, to the Secretary to Government, Electrical Department, Bangalore.

The suggestions of the General Secretary may be accepted.

ELECTRICAL SECRETARIAT
BANGALORE.
Reg. No. 1209
Date 16/1/36

C. M. Campbell
8/1/36
Chief Electrical Engineer.

EDS
10-1-36.

E.D.S. 1616
8/2/36.

18) I also agree

Genl Secy (Law) 7/2/36.
We

FEB. 1936

19) Submitted for orders
(1st member) 8/2/36

S.C.G.S.
10/2

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

16/2 Secy
17/2 Secy

Empowering the Ch. S. Engr. to let the coal mats of value not 3/10 exceeding £300 p.a. 16

Your File No. of 1935. General and Revenue Secretariat

2) Subject was a dft S.O. for appl.
ISJ 19/2

Geo Seq) mre 19/2

3) Will this be Council matter? Please put up the file regarding L.A. rules as last issued. Thro 27/2

Early mre 26/2/36

4) A copy of the Legal Affairs Rules is put up. This does not seem to come under schedule case as req'd in rule 2 of the Council rules.
ISJ 25/2

5) Please put up cls 76 of 1923. mre 25/2

6) Cls 76 of 23 is put up.
ISJ 26/2

7) If the subject comes under rule XII this may be a council matter. In fact the original L.A. rules in 1925 were so treated. But the amendments of these rules have not been so treated till now.

Geo Seq) For perusal 26/2/36 Thro 27/2

Secretary) If appd this will be circulated, mre 2/3
Thrichtley as a matter of urgency as the Council rules is involved.
3/3 JJR Thro 3/3/36

mre 2/3 CB) mre 3/3

GENERAL D. 12 FEB. 564

GENERAL D. 27 FEB. 761

D. No. 5406 CHIEF SECRETARY 2 MAR. 1936

(a) (9

For Disposal by Circulation. **No. C.** 214

7 1935-36

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Proposal to empower the Chief Electrical Engineer to file civil suits for recovery of dues to the Electrical Department, subject to certain restrictions.

Circulated to the Members of Council.

By Order,

4th March 1936 *Chief Secretary to Government.*

First Member of Council. (Seen)

For favour of Final Note.

6386 / 9.3.

FIRST MEMBER) 7-3-36

Second Member of Council.

6755 / 4.3.36

5/3/36.

Signed Final Note is submitted. S. N. put up.

60 / 10/3

DEWAN) 10/3

DEWAN'S OFFICE 1936 No. 3570

(10

Final Note by the First Member of Council.

Subject:—

Proposal to empower the Chief Electrical Engineer to file suits for recovery of dues to the Electrical Department, subject to certain restrictions.

7.

Page 11 of Flag '7'

Under the existing rules for the conduct of legal affairs of Government, sanction of Government is necessary before a suit is filed on behalf of Government by any Department, except in cases of urgent necessity. The Chief Electrical Engineer states that it is not desirable in the Electrical Department to lose time in getting sanction of Government before filing suits, as it would involve the risk of losing track of defaulters and the consequent loss of revenue. It is therefore proposed to authorize the Chief Electrical Engineer to file suits for recovery of money due for power or goods supplied subject to certain restrictions. The Dewan and the Second Member of Council have agreed to this proposal and it may be graciously approved.

Page 849 of in order

MEMBER OF COUNCIL.

Bangalore,
10th March 1936.

(11

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* re: proposal to empower the Chief Electrical Engineer to file suits for recovery of dues to the Electrical Department, subject to certain restrictions, *for His Highness' gracious approval.*

Bangalore,
11th March 1936.

Dewan. in charge.

(12

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to empower the Chief Electrical Engineer to file suits for recovery of dues to the Electrical Department, subject to certain restrictions.

469

Order.

~~KRW~~
12/3/36

3100 1/13

C.214

General and Revenue Secretariat

SUBJECT:- Proposal to empower the Chief Electrical Engineer to file suits for recovery of dues to the Electrical department, subject to certain restrictions.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,
Electrical
~~Public Works~~ Department.

Submitted 14/3/36.

FIRST MEMBER OF COUNCIL.

6603/13.3

102/1/43

7088/14/3

SECRETARY

SECOND MEMBER OF COUNCIL. Nil 14/3/36

See Secrett. General Electrical Dept with Compliments

Issue dept 16.3.36

Secrett 16/3

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

NOTE.—Contn. sheet.

/14

General and Revenue Secretariat | Law File No. 171 of 1935. | [App. F. III—2

Serial No.

To,

Re Govt.

- Ch. Ell Esq²
- Secy Govt Works
- Comptroller
- S. Ad.
- Regr Hcr.

S.O. no. P. 6275-52 dt. 19.3.36 allowing Ch. Ell Esq: to file suits of small cause nature without obtaining previous sanction of Govt.

B
25/3/36

NOTE—Contn Sheet.

No. 2073.
Encls. one

ELECTRICAL DEPARTMENT.

Dated, Bangalore, 16th AUGUST 1935.

ELECTRICAL SECRETARIAT
BANGALORE.
Reg No. 304
Date 17/8/35.

FROM

C. M. CARIAPA, Esq.,
Chief Electrical Engineer
to the Government of Mysore,
Bangalore.

Law 171-35

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Electrical Department, Bangalore.

Sir,

ARREARS DUE FROM MR.NILGIRI SANJEEVIAH TOWARDS POWER CHARGES OF AP.312 & A.990.

In enclosing herewith a copy of the report, as required under para 78 of the "Rules for the conduct of the Legal Affairs of Government", which was sent by the Superintendent, Bangalore Power and Lighting, to the Public Prosecutor for filing a suit towards the recovery of a sum of ₨46-13-0 on account of the above, I have the honour to state that the Public Prosecutor is of opinion that sanction of Government is required for filing the suit. I, therefore, request that necessary sanction may be kindly -- obtained and communicated for further action.

2. In this connection, I have to state that it will not be desirable to lose time in getting sanction of Government before filing suits, as it would sometime involve the risk of losing track of the defaulters and the consequent loss of revenue. I, therefore, request that the Public Prosecutor may be empowered to take up such cases at the request of this Department after examining the details.

I have the honour to be,
Sir,
Your most obedient servant,

C. M. Cariapa
16-8-35
Chief Electrical Engineer.

E D S
16.8.35
17/8/35

(2

R.R.NO.AP.312 and A.990 due from Mr.Neelagiri Sanjeeviah.

Para 78 of the Rules for the conduct of legal affairs of the Government.

(a) Installation No.A.P.312 and A.990 at 65, Mills Road, Bangalore City were disconnected on 9-3-33 and 11-1-34 respectively for non-payment of arrears of power charges both amounting to Rs.46-13-0. The whereabouts of the exconsumer Mr.Neelagiri Sanjeeviah is not known. He is however reported to be now residing in Giriappa's Estate, Jigini Hobli, Anekal Taluk. As he is evading payment in spite of having received our registered -- notice sent with this office No.MT.45294 dated 12-10-33 for which we hold his acknowledgement, the suit is considered necessary.

(b) To recover Rs46-13-0 referred to above and court costs, etc., by attaching his property.

(c) Application signed by Mr.Neelagiri Sanjeeviah dated 13th November 1929 asking for power supply to 15 H.P-motor

i. and lights for the factory

ii. This office registered letter No.MT.45294 dated 12-10-33 calling for arrears has been acknowledged by Mr.Sanjeeviah.

(d) Copies of

i. Agreement and ex-consumer's letter referred to in para (c) 1 and 2 above.

ii. Final bill dated 31-7-33 relating to A.P.312

iii. Letter No.16882 dated 12-10-34 addressed to the Chief Electrical Engineer to the Government will elucidate all the facts of the case.

(e) Nil.

(f) Nil.

(g) Nil.

Sd/- C.R.Gowda,

Superintendent, B.P.&.L.

" C O P Y"

C-M-Cain

Chief Electrical Engineer.

15-7x

Telephone No. 345.

IN REPLY REFER TO
No. 6209
ENCLO.

Telegraphic Address:
"GOMED."

Code Used
BENTLEY'S LIEBER'S
A.B.C. 5TH EDITION
Business Telegraph Code

GOVERNMENT OF MYSORE

ELECTRICAL DEPARTMENT

OFFICE OF THE CHIEF ELECTRICAL ENGINEER,

Bangalore, 23rd NOVEMBER 1935.
(MYSORE, S. INDIA)

ELECTRICAL SECRETARIAT
BANGALORE.
Reg. No. 959
Date 3.12.35

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Electrical Department, Bangalore.

Sir,

ARREARS DUE FROM MR.NILGIRI SANJEEVIAH
TOWARDS POWER CHARGES OF AP.312 & A990.

In continuation of my letter No.2073 dated the 16th August 1935 requesting sanction of Government for filing a suit against Mr.Nilgiri Sanjeeviah towards the recovery of a sum of Rs46-13-0 due by him on account of the above as - opined by the Public Prosecutor, and under the circumstances set forth in para 2 thereof, soliciting the orders of Government for empowering the Public Prosecutor to take up such cases at the request of this Department after examining the details of each case, I have the honour to state that orders of Government on the above have not been received so far. As delay in taking action is likely to result in our losing -- track of the defaulters with the consequent loss of revenue as already intimated, I have permitted the Superintendent, Power and Lighting, Bangalore, to file a suit for the recovery of the amount, as per the powers vested in me under para 5 of Section XVIII of the Powers of the Chief Electrical Engineer.

I have the honour to be,
S i r,
Your most obedient servant,

C. M. Cariappa
Chief Electrical Engineer ~~Etc.~~

22-11-35

E.D.S

Are not orders issued already. Pl. verify.

24/11/35

4

ELECTRICAL SECRETARIAT.

Draft for approval

No. E. D. S. 1108-09

Dated 26/11/35

Enc.

FROM

The Secretary to Government,
Electrical Department.

To

The C. E. E.

Bangalore

Subject Arrears due from Mr. Nilgiri Sanjeevaiah towards power charges of A.P. 312 & A990

Sir

With reference to your letter No 2073 dated the 16th August 1935 on the above subject, I am directed to convey the approval of Government, under the circumstances reported to

WD 3616—GPB—5,000—22-7-30

(5)

a suit being filed against Mr Nilgiri Sanjeeviah for recovery of the amount of Rs 46-13-0 being the arrears of power charges due from him to the Electrical Dept on account of the above installations ~~of charges~~.

2 As regards the general sanction applied for ~~in such cases~~ empowering the Public Prosecutor to take up such cases at the request of the Electrical Dept, I am to state that orders may be awaited.

Yours faithfully
J Lancelot
17.11.35
for Secy to Govt

H.O.C. - 16.11.35 Copy forwd. to the General Secy to Govt. for information.
for Secy to Govt

(6

W/

PROCEEDINGS OF THE GOVT. OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

R e a d:-

Letter No. 2073 dated 16th August 1935 from the Chief Electrical Engineer stating that it is not desirable to lose time in -- getting sanction of Government before filing suits for recovery of the amounts due to the department, as it would involve the risk of losing track of the defaulters and the consequent loss of revenue, and soliciting sanction of Government to empower the Public -- Prosecutors to take up such cases at the - request of the Department after examining the details.

****

O R D E R No. P6275-82 Loan 171-35-2

Dated 19-3- 1936.

Under the rules for the conduct of the legal affairs of Government, sanction of -- Government is necessary before a suit is -- filed on behalf of Government by any department. In cases of urgent necessity rule 79 empowers the officer concerned to file the suit in anticipation of sanction of Government.

Since the Electrical Department is a commercial department having dealings with a large number of consumers, there is likely to be some inconvenience in the recovery of dues if in all cases the procedure prescribed in the Rules has to be strictly followed. -- Government are therefore pleased to authorise the Chief Electrical Engineer to take action

(7)

action to file suits on behalf of Governmen for recovery of moneys due to the Departmen for power or goods supplied without obtaining previous sanction of Government as required under the rules, but subject to the following restrictions.

1) The suits should be of a small cause nature and of value not exceeding Rs. 300/-
2) Before action is taken to file a sui the Public Prosecutor should satisfy himself that there is a good case, and in cases of difference between the Public Prosecutor and the Department the matter has to be referred to Government in the Law Department.
3) No suits should be filed unless there are reasonable prospects of recovering the amounts from the defendant, in case a decree is obtained.
4) In cases in which the services of any lawyer other than the Public Prosecutor is to be engaged, the matter has to be referred to Government in the Law Department.
5) A half yearly statement showing the suits filed and their progress must be sent to Government by the Chief Electrical Engineer.

Under Order 27, rule 1 C.P.C. the Chief Electrical Engineer is hereby empowered to sign and verify the plaints in all such --

suits

suits on behalf of Government.

General Secretary to Govt

To

The Public Prosecutors, Bangalore, Mysor and Shimoga.

The Chief Electrical Engineer in Mysore

The Secretary to Govt. Elec. Deptt.

The Comptroller to Government.

The Government Advocate.

The Registrar, High Court.

c n.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....19.3.....1936.

Signed by .....

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section Law.

File No. 171-35

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Letter no. 2073 d 16.8.35 from the Chief Electrical Engineer stating that it is not too desirable to lose time in getting sanction of Govt before following suits for recovery of the amounts due to the department, as it would involve the risk of losing track of the defaulters and the consequent loss of revenue, and soliciting sanction of Govt to empower the Dy Cs to take up such Cases at the request of the Dept after examining the merits.

Order:— Pp 275-82.

Under the rules for the Conduct of all legal appeals by Govt sanction of Govt is necessary before a Suit is filed on behalf of Govt by any dept. In Cases of Urgent necessity, rule 79 empowers the officer Concerned to file the Suit in Anticipation of Sanction of Govt.

Since the Electrical Dept is a Commercial Dept having dealings with a large number of Consumers, Govt ~~Consider it desirable that~~ ~~the Chief Engineer is likely to be empowered~~ ~~to be authorised to file~~ there is likely to be some inconvenience in the present procedure Govt consider it desirable that such powers are delegated to the Chief Engineer if in all cases the strict procedure prescribed in the Rules has to be strictly followed. Govt therefore are pleased to authorise the Chief Engineer to take action to file suits on behalf of Govt for recovery of moneys due to the Dept for power or goods supplied, ~~may be filed~~ obtaining previous sanction of Govt as required under the rules, ~~for the Conduct of legal appeals of Govt,~~ but subject to the following restrictions

1) the Suits Should be of a small cause nature and of value not exceeding Rs 300/-

2) Before action is taken to file

List of Enclosure

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

WD 0186—GPB—15,000—6-9-34

(10

Gd suit, the PP should satisfy himself that there is a good Case, and in Case of difference between the PP and the Dept the matter has to be referred to you in the Law Dept

3) no suits should be filed unless there are reasonable prospects of recovering the amount from the defendant. in Case a decree is obtained

4) In Cases in which the services of any lawyer other than the PP is to be engaged, the matter has to be referred to you in the Law Dept

5) A half yearly statement showing the suits filed and their progress must be sent to you by the C.S.E.

Under Order 27 rule 1 C.P.C., the C.S.E. is authorised

hereby ~~appointed as the officer~~ empowered

to sign and verify the plaints

~~on behalf of Govt~~ in all such suits on behalf of Govt

Govt 22/1/36
Gen Sec'
ISD 18/1

19/1

To.

1) The Com's, Blore, Mysore, Shimoga
2) " Ch. El. Engr
3) " Sec' to Govt El. Dept
4) " Comptroller to Govt
5) The G. A.
6) The Registrar, High Ct